

HOUSE BILL 934

R1, R2

8lr0706

By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 6, 2008

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 31, 2008

CHAPTER _____

1 AN ACT concerning

2 **Maryland–Washington Regional District – Highways – Pedestrian and**
3 **Bicycle Traffic and Facilities**

4 **PG/MC 108–08**

5 FOR the purpose of requiring the Maryland–National Capital Park and Planning
6 Commission in the Maryland–Washington Regional District to consider certain
7 information relating to existing hiking, biking, and walking trails in the
8 Commission's review of certain proposed construction projects; requiring the
9 Commission to communicate its reasons to certain persons if the Commission
10 does not approve a certain proposed facility without conditions under certain
11 circumstances; requiring the Director of Bicycle and Pedestrian Access to
12 consult regularly with the Commission; adding a representative from the
13 Commission to the membership of the Bicycle and Pedestrian Advisory
14 Committee; increasing the maximum number of members of the Committee;
15 requiring the State Highway Administration, for a project located in the
16 Maryland–Washington Regional District, to implement a certain plan to
17 increase safety and access for bicycle or pedestrian traffic; requiring the plan to
18 be developed by a certain local government ~~and~~ in consultation with the
19 Commission under certain circumstances; requiring the Administration to
20 ~~strive to~~ construct a project in the Maryland–Washington Regional District in a
21 manner that will ~~utilize~~ enhance, to the extent possible, existing major routes
22 for pedestrian and bicycle traffic; requiring the Administration to develop
23 certain guidelines in ~~conjunction~~ consultation with the Commission under
24 certain circumstances; requiring sidewalks to be constructed in response to a
25 request by the Commission; requiring ~~each public employment facility~~ certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 persons that regularly employ more than a certain number of employees located
 2 in the Maryland–Washington Regional District to ~~provide~~ report to the
 3 Commission regarding certain accommodations for bicycle access by a certain
 4 date; making stylistic and technical changes; and generally relating to the
 5 bicycle and pedestrian traffic and facilities in the Maryland–Washington
 6 Regional District.

7 BY repealing and reenacting, with amendments,
 8 Article 28 – Maryland–National Capital Park and Planning Commission
 9 Section 7–112
 10 Annotated Code of Maryland
 11 (2003 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,
 13 Article – Transportation
 14 Section 2–604(b)(5), 2–606(b) and (d), 8–204(c), 8–601.1, and 8–630(b), (d), and
 15 (e)
 16 Annotated Code of Maryland
 17 (2001 Replacement Volume and 2007 Supplement)

18 BY repealing and reenacting, without amendments,
 19 Article – Transportation
 20 Section 2–606(a) and (c)
 21 Annotated Code of Maryland
 22 (2001 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, with amendments,
 24 Article – Transportation
 25 Section 21–1008
 26 Annotated Code of Maryland
 27 (2006 Replacement Volume and 2007 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 29 MARYLAND, That the Laws of Maryland read as follows:

30 **Article 28 – Maryland–National Capital Park and Planning Commission**

31 7–112.

32 (A) (1) [When] **AFTER** the Commission has adopted a master plan of
 33 highways of the regional district and has certified the plan to the County Council and
 34 clerk of the Circuit Court of Montgomery County and to the Board of County
 35 Commissioners and clerk of the Circuit Court of Prince George’s County, [thereafter
 36 no road, park, or other public way or ground, no public (including federal) buildings or
 37 structures, and no public utility, whether publicly or privately owned, shall] **THE**
 38 **FOLLOWING FACILITIES MAY NOT** be located, constructed, or authorized in the

1 regional district [until and] unless the proposed location, character, grade, and extent
2 [thereof] **OF THE FACILITY** has been submitted to and approved by the Commission:

3 (I) **A ROAD, PARK, OR OTHER PUBLIC WAY OR GROUND;**

4 (II) **A PUBLIC BUILDING OR STRUCTURE, INCLUDING A**
5 **FEDERAL BUILDING OR STRUCTURE; AND**

6 (III) **A PUBLICLY OR PRIVATELY OWNED PUBLIC UTILITY.**

7 (2) **IN REVIEWING A PROPOSED PUBLIC FACILITY SUBMITTED**
8 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL**
9 **CONSIDER THE FEASIBILITY OF CONSTRUCTING THE FACILITY IN A MANNER**
10 **THAT WILL ~~UTILIZE~~ ENHANCE, TO THE EXTENT POSSIBLE, EXISTING SIDEWALKS**
11 **AND HIKING, BIKING, AND WALKING TRAILS.**

12 (B) (1) [In case of disapproval] **IF THE COMMISSION DOES NOT**
13 **APPROVE WITHOUT CONDITION A PROPOSED FACILITY SUBMITTED UNDER**
14 **SUBSECTION (A) OF THIS SECTION,** the Commission shall communicate its reasons
15 to the State, federal, county, municipal, or district board, body, or official [proposing to
16 locate, construct, or authorize such public way, ground, building, structure, or utility]
17 **THAT SUBMITTED THE PROPOSED FACILITY.**

18 (2) [Thereupon] **ON RECEIPT OF THE COMMISSION'S REASONS**
19 **FOR DISAPPROVAL,** the board, body, or official in its discretion may overrule the
20 disapproval and proceed.

21 (C) (1) The widening, extension, relocation, narrowing, vacation,
22 abandonment, change of use of any road, park, or other public way or ground in the
23 regional district, or the acquisition or sale of any land in the regional district by any
24 public board, body, or official shall be subject to [similar] submission and approval[;
25 and the failure] **AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

26 (2) **FAILURE BY THE COMMISSION** to approve **A PROPOSED**
27 **PROJECT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION** may be
28 [similarly] overruled **AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

29 (D) The failure of the Commission to act within 60 days [from and] after the
30 date of official submission to it shall be deemed an approval, unless [a longer period be
31 granted by] the submitting **PUBLIC** board, body, or official **GRANTS A LONGER**
32 **PERIOD FOR THE COMMISSION TO ACT.**

33 (E) (1) After appropriate public hearings, the Commission shall adopt
34 uniform standards of review to be followed in reviewing changes to public property
35 located in the regional district.

- 1 (iv) The Department of State Police;
- 2 (v) The Department of Business and Economic Development;
- 3 (vi) The Department of Health and Mental Hygiene;
- 4 (vii) The Department of Planning; [and]
- 5 (viii) The Department of Disabilities; **AND**

6 **(IX) THE MARYLAND-NATIONAL CAPITAL PARK AND**
 7 **PLANNING COMMISSION;**

8 (2) 1 citizen member from each of the following areas:

- 9 (i) The Eastern Shore;
- 10 (ii) Western Maryland; and
- 11 (iii) Southern Maryland;

12 (3) 2 citizen members from each of the following areas:

- 13 (i) The Baltimore metropolitan area; and
- 14 (ii) The Washington metropolitan area; and

15 (4) Up to 6 citizen members selected to represent the interests of
 16 bicyclists, pedestrians, and the disabled community to include:

- 17 (i) A representative of individuals who are visually impaired;
 18 and
- 19 (ii) A representative of individuals who are mobility impaired.

20 (c) One of the citizen members selected under subsection (b) of this section
 21 shall have an expertise in bicycle and pedestrian safety.

22 (d) The total membership of the Committee may not exceed [21] **22**
 23 members.

24 8-204.

25 (c) (1) **(I)** The Administration shall:

1 [(i)] **1.** Determine and may change from time to time the
 2 location, construction, geometrics, design, and maintenance of the State highway
 3 system; and

4 [(ii) 1.] **2.** If the Administration and a local government
 5 designate an area as a bicycle and pedestrian priority area, implement a plan
 6 developed in cooperation with the local government to increase safety and access for
 7 bicycle or pedestrian traffic.

8 [2.] **(II)** If there is no State highway within the limits of
 9 the bicycle and pedestrian priority area, the plan ~~TO INCREASE SAFETY AND ACCESS~~
 10 ~~FOR BICYCLE OR PEDESTRIAN TRAFFIC~~ shall be developed by the local government.

11 **(2) FOR A PROJECT LOCATED IN THE MARYLAND-WASHINGTON**
 12 **REGIONAL DISTRICT:**

13 **(I) IF THE ADMINISTRATION, AND A LOCAL GOVERNMENT,**
 14 ~~AND THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION~~
 15 ~~IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT~~ **DESIGNATE AN AREA AS**
 16 **A BICYCLE AND PEDESTRIAN PRIORITY AREA IN CONSULTATION WITH THE**
 17 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION, THE**
 18 **ADMINISTRATION SHALL IMPLEMENT A PLAN DEVELOPED IN COOPERATION**
 19 **WITH THE LOCAL GOVERNMENT AND IN CONSULTATION WITH THE**
 20 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN THE**
 21 ~~MARYLAND-WASHINGTON REGIONAL DISTRICT~~ **TO INCREASE SAFETY AND**
 22 **ACCESS FOR BICYCLE OR PEDESTRIAN TRAFFIC; OR**

23 **(II) IF THERE IS NO STATE HIGHWAY WITHIN THE LIMITS OF**
 24 **THE BICYCLE AND PEDESTRIAN PRIORITY AREA, THE PLAN TO INCREASE**
 25 **SAFETY AND ACCESS FOR BICYCLE OR PEDESTRIAN TRAFFIC SHALL BE**
 26 **DEVELOPED BY THE LOCAL GOVERNMENT AND IN CONSULTATION WITH THE**
 27 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN THE**
 28 ~~MARYLAND-WASHINGTON REGIONAL DISTRICT~~.

29 [(2)] **(3)** A plan for traffic management in a bicycle and pedestrian
 30 priority area shall provide for:

31 (i) Appropriate changes to the location, construction,
 32 geometrics, design, and maintenance of the State highway system to increase safety
 33 and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area;
 34 and

35 (ii) The appropriate use of traffic control devices including
 36 pedestrian control signals, traffic signals, stop signs, and speed bumps.

1 (a) (1) The Administration may not construct any project that will result
2 in the severance or destruction of an existing major route for bicycle transportation
3 traffic, unless the project provides for construction of a reasonable alternative route or
4 such a route already exists.

5 (2) **IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT, THE**
6 **ADMINISTRATION SHALL STRIVE TO CONSTRUCT A PROJECT IN A MANNER THAT**
7 **WILL ~~UTILIZE~~ ENHANCE, TO THE EXTENT POSSIBLE, EXISTING MAJOR ROUTES**
8 **FOR PEDESTRIAN AND BICYCLE TRAFFIC.**

9 (b) The Administration shall develop guidelines jointly with local
10 governments **AND, ~~WHEN APPLICABLE, IN THE MARYLAND-WASHINGTON~~**
11 **REGIONAL DISTRICT, IN CONSULTATION WITH THE MARYLAND-NATIONAL**
12 **CAPITAL PARK AND PLANNING COMMISSION ~~IN THE MARYLAND-WASHINGTON~~**
13 **REGIONAL DISTRICT** to carry out the provisions of this section.

14 8-630.

15 (b) (1) Sidewalks shall be constructed at the time of construction or
16 reconstruction of an urban highway, or in response to the request of a local
17 government **OR THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING**
18 **COMMISSION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT** unless:

19 (i) The Administration determines that the cost or impacts of
20 constructing the sidewalks would be too great in relation to the need for them or their
21 probable use; or

22 (ii) The local government indicates that there is no need for
23 sidewalks.

24 (2) Sidewalks constructed under this section shall be consistent with
25 area master plans and transportation plans adopted by the local planning commission.

26 (d) (1) The Administration may not construct any project that will result
27 in the severance or destruction of an existing major route for pedestrian
28 transportation traffic, unless the project provides for construction of a reasonable
29 alternative route or such a route already exists.

30 (2) **FOR A PROJECT IN THE MARYLAND-WASHINGTON REGIONAL**
31 **DISTRICT, THE ADMINISTRATION SHALL STRIVE TO CONSTRUCT ~~A~~ THE**
32 **PROJECT IN A MANNER THAT WILL ~~UTILIZE~~ ENHANCE, TO THE EXTENT**
33 **POSSIBLE, EXISTING MAJOR ROUTES FOR PEDESTRIAN AND BICYCLE TRAFFIC.**

34 (e) The Administration shall develop guidelines jointly with local
35 governments **AND IN CONSULTATION WITH THE MARYLAND-NATIONAL CAPITAL**

1 **PARK AND PLANNING COMMISSION IN THE MARYLAND-WASHINGTON**
 2 **REGIONAL DISTRICT** to carry out the provisions of this section.

3 21-1008.

4 (A) By fiscal year 2000, each public institution of higher education and State
 5 employment facility shall provide reasonable accommodations necessary for bicycle
 6 access, including parking for bicycles.

7 (B) ~~BY FISCAL YEAR 2010, EACH PUBLIC EMPLOYMENT FACILITY IN~~
 8 ~~THE MARYLAND-WASHINGTON REGIONAL DISTRICT SHALL PROVIDE~~
 9 ~~REASONABLE ACCOMMODATIONS NECESSARY FOR BICYCLE ACCESS, INCLUDING~~
 10 ~~PARKING FACILITIES FOR BICYCLES~~ **2010, EACH STATE, FEDERAL, COUNTY,**
 11 **MUNICIPAL, OR PUBLIC DISTRICT, BOARD, BODY, OR OFFICIAL THAT**
 12 **REGULARLY EMPLOYS MORE THAN 50 EMPLOYEES LOCATED IN THE**
 13 **MARYLAND-WASHINGTON REGIONAL DISTRICT SHALL REPORT TO THE**
 14 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION A PLAN**
 15 **FOR PROVIDING REASONABLE ACCOMMODATIONS FOR BICYCLE ACCESS,**
 16 **INCLUDING PARKING FACILITIES FOR BICYCLES UTILIZED BY VISITORS AND**
 17 **EMPLOYEES AT APPROPRIATE PUBLIC FACILITIES AND LOCATIONS.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 19 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.